

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ERIC SHANE SPEARS,

Defendant-Appellant.

UNPUBLISHED

June 24, 1997

No. 191094

Muskegon Circuit Court

LC No. 95-038184 FH

Before: Gage, P.J., and Reilly and Hoekstra, JJ.

MEMORANDUM.

Defendant was convicted by jury of two counts of assaulting an employee of a place of confinement, MCL 750.197c; MSA 28.394(3), and was sentenced to two enhanced terms of five to fifteen years' imprisonment, in light of defendant's status as a fourth offender, MCL 769.12; MSA 28.1084. Defendant appeals as of right. We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

We find it unnecessary to determine whether the trial court abused its discretion when it permitted the prosecution to impeach defendant with a prior conviction for receiving and concealing stolen property. *People v Coleman*, 210 Mich App 1, 7; 532 NW2d 885 (1995). Even if the court erred, the error was harmless. We think it inconceivable on this record that the admission of a single prior conviction had any effect on the jury's verdict where two corrections officers testified that defendant assaulted them and where two additional corrections officers testified that they observed one or both of the assaults. *Id.*

Affirmed.

/s/ Hilda R. Gage

/s/ Maureen Pulte Reilly

/s/ Joel P. Hoekstra